



California Multiple Award Schedule (CMAS)

Bulletin 30

January 2002

NON-INFORMATION TECHNOLOGY SERVICES

What are Personal and Consulting Services?

Personal Services – Purchase orders for services that have someone doing something, e.g., maintenance services, cleaning services, waste removal services.

Consulting Services – Purchase orders for services of an advisory nature that provide a recommended course of action or personal expertise (product of the mind).

Authority to Outsource Services

The State Constitution generally requires contracting to be limited to those services that cannot be performed by civil service employees except as provided for in Government Code 19130. See CMAS Agency Packet, Attachment I, for guidelines.

Purchase Order Limit

The purchase order limit for non-information technology service orders is \$250,000 (not applicable to local government agencies).

DGS Approves Orders Exceeding \$50,000

State agency purchase orders (not applicable to local government agencies) for non-information technology services that exceed \$50,000 must be reviewed and approved by the Department of General Services, Procurement Division (DGS/PD) before issuance to the contractor.

Once the purchase order is approved by DGS/PD, it will be stamped approved and signed by DGS/PD and returned to the agency for issuance to the contractor.

Contractors are prohibited from accepting purchase orders without the DGS/PD stamp of approval and signature. Violation of this requirement may result in contract termination.

Agencies must send purchase orders that exceed \$50,000 to the following address for review and approval:

Department of General Services
Procurement Division, Contract Negotiations Unit
707 3rd Street, 2nd Floor
West Sacramento, CA 95605 IMS #Z-1

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**Statement of
Work (SOW)**

A Statement of Work (SOW) must be prepared as applicable for each purchase order. For orders that exceed \$50,000, the SOW must be forwarded to DGS/PD with the purchase order for review and approval.

A Statement of Work (SOW) is a definition of requirements.

Statement of Work

A written description of the work to be performed under a purchase order to satisfy particular needs. In simple transactions, it can consist of the line items on the face of the purchaser order that define what is being purchased; each item of which may include specifications.

Specification

A generic term to refer to a written requirement of a purchase order that provides a concise and accurate description of the services to be provided.

We strongly recommend that agencies consider the language in Attachment J of the CMAS Agency Packet when developing a Statement of Work (SOW) and tailor the List of Questions at the back to agency needs and use it as a checklist when developing a SOW.

**Best Value
Determination**

Agencies are strongly encouraged to optimize the benefits of the CMAS program by comparing different contracts for varying products, services and prices, and carefully reviewing all contract terms and conditions to obtain the best value available.

Best value constitutes whatever the agency determines to be most critical to their application or project; that is, lowest price, warranty and maintenance provisions, delivery time, technical expertise, etc.

Comparison shopping is not necessary if the agency is **certain** that the product, service, and price being obtained is the best value for their individual transaction. The agency must document their best value determination for compliance purposes.

See CMAS Agency Packet, Section 5, Best Value Determination for guidelines.

**Purchase
Order Form**

State agencies will use the STD. 65 Contract/Delegation Purchase Order form to procure non-information technology services. See CMAS Agency Packet, Attachment G, for how to obtain an online copy.

Local government agencies will use their own purchase order forms and process them exactly like the STD. 65 Purchase Order Form.

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Contract Number	Contracts for non-information technology services will start with a 4 and include a 03 in the third field. Example: 4-XX-03-XXXX.
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Exemptions to Purchase Order Limit	State agencies (not applicable to local government agencies) wishing to exceed the \$250,000 order limit must follow the parameters outlined in the CMAS Agency Information Packet (dated January 2002), Section 14, Exemption to CMAS Purchase Order Limits.
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Contract Price is Maximum	Contract prices for products and/or services are maximums. The ordering agency is encouraged to negotiate lower prices.
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Administrative Fee	DGS/PD will bill an administrative fee of 1.21% directly to the agency for the total amount of the purchase order (small business purchase orders are exempt from this fee). Do not include this fee in the purchase order.
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Exclusions	The following services are not available on the CMAS program:
Architectural, Engineering and Public Works	<p><u>Architectural and Engineering</u></p> <p>Services are not allowed on CMAS that are required by law to be performed by a licensed architect, licensed registered engineer, licensed landscape architect, construction project manager, licensed land surveyor, or environmental services as defined in Government Code 4525? The Department of General Services (DGS), Real Estate Services Division (RESA) can be contacted at 916/376-1748 if you have questions about these types of transactions.</p> <p><u>Public Works</u></p> <p>Except for incidental services, public works contracts are not allowed for the erection, construction, alteration, repair or improvement of a public structure as defined in Public Contract Code 1101? The Department of General Services (DGS), Real Estate Services Division (RESA) can be contacted at 916/376-1768 if you have questions about these types of transactions.</p> <p>See the State Contracting Manual, Section 10 and 11 and the CMAS Agency Packet, Section 16, Public Works Projects.</p>

Legal Counsel	<p>It is the responsibility of each agency to consult as applicable with their legal staff and contracting offices for advice depending upon the scope or complexity of the purchase order.</p> <p>If you do not have legal services available to you within your agency, the DGS Office of Legal Services is available to provide services on a contract basis.</p>
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**CMAS is
Optional**

The Department of General Services, under delegated authority, provides the CMAS program to agencies as a procurement option only. It is not mandatory that agencies use CMAS. Agencies may bid, sole source or use other pre-established contracts to meet their acquisition needs.

**Agencies are
Responsible**

Each agency is responsible for its own contracting program and purchasing decisions, including use of the CMAS program and associated outcomes.

This responsibility includes, but is not necessarily limited to, ensuring the necessity of the services, securing appropriate funding, complying with laws and policies, preparing the purchase order in a manner that safeguards the State's interests, obtaining required approvals, and documenting compliance with Government Code 19130.b (3) for outsourcing services.

See CMAS Agency Packet, Attachment F, Agency Responsibilities, and Section 18, Agency Compliance.

**Reporting
Requirements**

Legislation requires state agencies to submit various reports on procurement practices.

See CMAS Agency Packet, Section 10, Statewide Procurement Requirements, Special Attention for guidelines.

**Small and
Disabled
Veteran
Participation**

Two Executive Orders require that state agencies contract with Small and Disabled Veteran Business Enterprises (S/DVBE). S/DVBE contractors are separately listed on the Procurement Division's web site (www.dgs.ca.gov/pd) click on CMAS). In addition, as an incentive for agencies to use small businesses, we waive our administrative fee. See the CMAS Agency Packet, Section 12 for guidelines.

**Small
Business
Consideration**

Prior to issuing purchase orders under the California Multiple Award Schedules program, state agencies shall whenever "practicable" first consider offers from small businesses that have established CMAS contracts (Government Code Section 14846(b) (Executive Orders)).

See CMAS Agency Packet, Section 12, Small Business and Disabled Veteran Businesses and Americans with Disabilities (ADA), for guidelines.

NOTE: The Department of General Services will request substantiation of compliance with this requirement during a compliance review.

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**Conflict of
Interest**

Agencies must develop a plan to evaluate the proposed purchase order for any potential conflict of interest issues.

See CMAS Agency Packet, Attachment L, Conflict of Interest for guidelines.

Questions?

Questions pertaining to the CMAS program may be forwarded to 916/375-4363.



CAROL UMFLEET
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